

REMARKS

Applicants have extensively amended the claims in an earnest attempt to place this application in condition for allowance. Reconsideration of the grounds of rejection stated in the most recent Office Action are respectfully requested.

Objection to Claim 34

Applicants have canceled claim 34.

Rejection of Claims 1, 3, 4, 9, 13-19, 27, 31, and 34 Under 35 USC §112, ¶1

This new ground of rejection was based on the Examiner's objection to a newly added proviso in claim 1 concerning the integers x, x', and x'', wherein at least one of those integers does not equal zero. With the amendment to claim 1, that proviso is no longer in the claim, and the rejection is believed to be moot.

Rejection of Claims 1, 3, 4, 9, 13-19, 27, 31, and 34 under 35 USC §112, ¶1

This ground of rejection was repeated from the previous Office Action. Basically, the Examiner concluded that the specification failed to provide adequate written description for the genus recited in claim 1. With the amendment to claim 1, this ground of rejection is also believed to be moot. The limitations of claim 15, which was not rejected on this basis, have been incorporated into independent claim 1.

Rejection of Claims 1, 3, 4, 9, 13, 14, 31, and 34 Under 35 USC §102 as Anticipated by Wolfinbarger

Claim 15 was not rejected on prior art. The subject matter of claim 15 has now been incorporated into claim 1. Applicants submit that claim 1 and all of the claims that depend directly or indirectly therefrom are now in condition for allowance.

Rejection of Claims 1, 3, 4, 13, 14, 16-19, 27, 31, and 34 Under 35 USC §102 as Anticipated by Fossati

Claim 15 was not rejected on prior art. The subject matter of claim 15 has now been incorporated into claim 1. Applicants submit that claim 1 and all of the claims that depend directly or indirectly therefrom are now in condition for allowance.

Rejoinder of Certain Non-elected Claims

In the Office Action mailed November 4, 2004, the Examiner made several restriction requirements. Claims 16-17 and 20-21 were identified as “linking” claims. Pursuant to MPEP §809, when the linking claim(s) are allowed, the restriction requirement must be withdrawn. Because claims 16-17 and 20-21 depend directly or indirectly from claim 1, applicants submit that those claims are also in condition for allowance at this time. Previously withdrawn claims 20-26 depend directly or indirectly from claims 16 or 17, and previously withdrawn claims 28-30 depend from linking claim 21. Applicants respectfully request rejoinder of claims 20-26 and 28-30 in this application.

Also in the Office Action mailed November 4, 2004, the Examiner required restriction between the composition claims (Groups I – IV) and process claims 32-33 (Group V). Pursuant to MPEP §821.04, process claims that depend from or otherwise include all of the limitations of a patentable product claim will be rejoined with that product claim. Applicants have amended claim 32 to recite the use of the repeat sequence protein polymer SEQ ID No. 19. Applicants submit that process claims 32-33 as amended are entitled to be rejoined to the allowable composition claims in this application.

Conclusion

For all of the above reasons, applicants submit that claims 1, 13-14, and 16-33, as amended, are patentable over the cited and applied prior art and are in compliance with §112. Early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,
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